



Application

Narrative

Cash Transmittal

Development Standards

# Development Application



## Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

<b>Zoning</b>	<b>Development Review</b>	<b>Signs</b>
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	<b>Other:</b>
<input checked="" type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
<b>Exemptions to the Zoning Ordinance</b>	<b>Land Divisions (PP)</b>	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	<input type="checkbox"/> Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	

Project Name: JoJo Coffeehouse  
 Property's Address: 3712 N Scottsdale rd. Scottsdale AZ 85251

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>Michael T. Melton</u>	Agent/Applicant: <u>NA</u>
Company: <u>JoJo Coffee LLC</u>	Company:
Address: <u>3712 N Scottsdale rd. 85251</u>	Address:
Phone: <u>480 220 2069</u> Fax:	Phone: Fax:
E-mail: <u>mike.melton@jojocoffee.net</u>	E-mail:
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.

☒ **Enhanced Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

☐ **Standard Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

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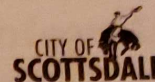
Revision Date: 8/23/2017

3-UP-2019

05/1/19



# Development Application



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Owner: Michael T. Melton

Agent/Applicant: NA

Company: JOJO Coffee LLC

Company:

Address: 3712 N Scottsdale rd. 85251

Address:

Phone: 480 220 2069

Fax:

Phone:

Fax:

E-mail: mikemelton@jojocoffee.net

E-mail:

Designer:

Engineer:

Company:

Company:

Address:

Address:

Phone:

Fax:

Phone:

Fax:

E-mail:

E-mail:

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Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

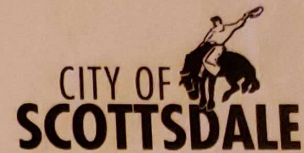
Development Application No.:

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)



# Appeals of Dedication, Exactions or Zoning Regulations



## Rights of Property Owner

In addition to the other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication of exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) when an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violations of Arizona and federal court decision.

## Appeal Procedure

The appeal must be in writing and specify the City action appealed and the date final action was taken, and must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken

- No fee will be charged for filing
- The city Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply
- Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- The City will submit a takings impact report to the hearing officer.
- In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- The hearing officer must render his decision within five working days after the appeal is heard.
- The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial *nevo* with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

City's Attorney's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
480-312-2405

Address your appeal to:

Hearing Officer, C/O City Clerk  
3939 Drinkwater Blvd  
Scottsdale, AZ 85251

Please be aware that City Staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

## Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)




Owner Certification  
Acknowledging Receipt  
Of  
Notice Of Right To Appeal  
Exactions And Dedications

I hereby certify that I am the owner of property located at:

3712 N Scottsdale Rd Ste 102, Scottsdale AZ 85251  
(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.

  
Signature of Property Owner

9/24/18  
Date



April 17, 2019.

## JOJO Coffeehouse Project Narrative- Entertainment Permit

JOJO Coffeehouse seeks to obtain an Entertainment Permit from the City of Scottsdale that would permit Live Entertainment including local musicians (performing coffeehouse-style genre music), publicly known musicians (performing coffeehouse-style genre music). Coffeehouse-style music is defined as:

### ***Coffeehouse as a Musical Genre***

*"The definition states that "the coffee houses provides social members with a place to congregate, talk, write, read, entertain one another, or pass the time, whether individually or in small groups of 2 or 3". You get comfortable chairs and sofas, wireless internet connection and the self-service method that allows you to pretty much act like you are in your own office or living room. The music is also chosen accordingly. The genres vary from jazz to soft-rock, from alternative to blues. But the playlists are almost always made up from songs that are relaxing enough not to interrupt your work and/or conversations, but they are not so slow and monotonous that will make you feel sleepy."*

In addition to musical performances, JOJO Coffeehouse would permit stand up comedians to perform live for their audiences.

Performances will be held in the large Square on the Floor Plan (attached with original submittal) located at the center-north area of the floor plan. This area will be set up for musicians and will only be used for the use of live entertainment performances.

Sec. 1.400. - Conditional Use Permits.

Sec. 1.401. - Issuance.

Conditional use permits, which may be revocable, conditional or valid for a specified time period, may be granted only when expressly permitted by this ordinance and, except in the case of conditional use permits for adult uses under Section 1.403(A), only after the Planning Commission has made a recommendation and the City Council has found as follows:

A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

Granting this permit will not cause nuisance arising from noise as the live entertainment will be controlled within the premise (inside only) as all building material (see material map) eliminates outside sound. Smoke is not permitted on/in JOJO Coffeehouse property. Illumination will not result in nuisance (see Lighting Map for approved and contained lighting used at all times) as the lighting is for the general

visibility inside the business. Coffeehouse-style music is acoustic based genre that does not generate high vibration.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

Volume will be contained inside the premise. All windows and doors can be closed, allowing for safe entrance and exit, however containing the volume within the business. Use of parking lot located between "The Rack" and JOJO Coffeehouse, creates ample parking and organization for events. Live entertainment will not cause out of the ordinary character of traffic.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

JOJO Coffeehouse is located in an area that offers many forms of entertainment, dining and night-life. Neighboring "The Rack" and "R&R" similar events are held for the public frequently. All neighbors of JOJO have been notified and invited to voice their questions and concerns (Public Notification Meeting Letter & Feedback).

Section 1.403.K outlines the following specific criteria:

K. Live entertainment.

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan. We included a copy of the Security & Maintenance Plan in the attached documents however, we do not require bouncers or security personnel. The nature of the live entertainment offered, is acoustic, local artists, where no tickets are sold, or covers are charged. It is simply offered as background entertainment in our restaurant while our guests dine. No outside entertainment is available, including NO outside speakers. The volume is contained within our internal business structure.
2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors. Please see the attached "Interior Tenant Improvement Plan". This plan confirms the sturdiness and effective sound management material used to contain all noise within the indoor structure of the business. No external speakers will be used. No outdoor entertainment will be authorized.
3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII. of the Zoning Ordinance and the Security and Maintenance Plan requirements. Yes, please see the attached "Lighting Plan" that was submitted with this application.
4. The applicant has provided a floor plan which identifies the areas for the primary use and for accessory functions, including but not limited to areas for performances. Yes, please see the attached "Floor Plan" that was submitted with this application. The entertainment area is clearly defined.
5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the

City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards. **N/A**

6. If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City's requirements. **N/A**
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area. **N/A**
8. All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage. **JOJO Coffeehouse operates under these guidelines, effectively.**
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use, which is located within five hundred (500) feet of a residential district shown on Table 4.100.A. **No external speakers are in use or installed.**
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit. **Compliant.**
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board. **Compliant.**
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance. **Compliant.**

Sincerely,

*Mike Melton*

Founder

JOJO Coffeehouse





ARIZONA PARTNERS

RETAIL INVESTMENT GROUP, LLC

June 8<sup>th</sup> 2019

To Whom It May Concern:

Landlord, 2<sup>nd</sup> Sdale llc, agrees to allow JOJO Coffeehouse, Tenant, located at 3712 N. Scottsdale Rd. Suite #110 Scottsdale, Arizona 85251 to execute an application for a Live Entertainment Conditional Use Permit for Tenant's premises. This letter shall serve as Landlord/Owner Consent.

Sincerely,

LANDLORD:

2<sup>nd</sup> SDALE,  
an Arizona limited liability company

By: 

Its: 